

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Barbara McDaniel, MMC, Assistant Town Clerk / 954-797-1023

**PREPARED BY:** Barbara McDaniel, MMC, Assistant Town Clerk

**SUBJECT:** Minutes

**AFFECTED DISTRICT:** n/a

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** May 6, 2009 (Workshop Meeting)

**REPORT IN BRIEF:** Council minutes from the May 6, 2009 Council meeting.

**PREVIOUS ACTIONS:** n/a

**CONCURRENCES:** n/a

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Other - Motion to approve

**Attachment(s):** May 6, 2009 minutes

**TOWN COUNCIL  
WORKSHOP MEETING  
MAY 6, 2009**

The meeting was called to order at 6:02 p.m.

Present at the meeting were Mayor Paul, Vice-Mayor Crowley and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Assistant Town Clerk McDaniel recording the meeting.

Fire Chief Joe Montopoli introduced Michael Burton from Burton and Associates, who had conducted the impact study. Chief Montopoli said that they would clarify the funding, the fees used in surrounding municipalities and the possibility of a phased-in assessment.

Mr. Burton stated that the study had included fees for police, fire, parks and recreation, and general government. He explained that impact fees were charges levied on new development intended to pay for the capital costs of equipment and public facilities necessary to provide the defined levels of service to that new development. Local governments could choose to levy fees at the full or a partial cost of recovery.

Mr. Burton explained the “rational nexus” standard and required that the impact fees must bear a relationship to the benefit received by those who paid it. The fees must not exceed the proportional share of the cost of new facilities or services needed for new development and could not include the cost of curing existing deficiencies or deficiencies relative to adopted levels of service. Mr. Burton stated that impact fees must be earmarked and spent to ensure that those paying realized the benefits of the payment.

Mr. Burton said that the Town’s police and fire fees were last updated in 1997, parks and open space fees were last updated in 1989 and the Town did not presently charge a general government fee. He explained that the cost basis for the methodology used current unit prices for land, equipment and fixed assets, based on local data.

Mr. Burton displayed a graph depicting the results of a survey comparing various levels of cost recovery and pointed out that the current police and fire fee was \$189.73; the full cost recovery fee would be \$716.94 and the community average was \$516.64. He had determined that the Town was currently charging 60% to 80% cost recovery. The chart also described costs if the Town charged fees at 60%, 80% and 100% recovery and compared these costs to the other municipalities. He noted that if the Town implemented all of the fees at 60% cost recovery, they would be at the average rate in the survey. Mr. Burton indicated that he had created a schedule depicting phasing in the fees at different rates over three years.

The conclusion of Mr. Burton’s study was that it had been some time since the fees had been updated and the study calculations indicated the ability to increase fees at this time. Mr. Burton remarked that parks and recreation costs had increased significantly due to the recent increase in land prices. A 35% cost recovery fee for parks and recreation would result in an average market rate fee, which Mr. Burton

recommended. He said that adoption of impact fees from 60% recovery would put the fees within the range of the surveyed communities.

Councilmember Starkey asked why the commercial side had increased much more than the residential. Mr. Burton said that this was the result of the study and Council could not choose to charge one class more or less.

Councilmember Caletka said that if they did not have full recovery of the impact fees, this amounted to government subsidization of new dwellings and business buildings. He, therefore, favored assessing 100% of all recovery fees, phased in over three years.

Councilmember Luis was concerned about raising impact fees in this economic environment because he feared it would discourage development. Mayor Paul stated that phasing in the fees would give them a chance to assess the status each year in relation to the current economic environment.

Mayor Paul had reservations about adding the general government fee. Mr. Burton confirmed that Council could begin with police, fire, and parks and recreation fees and then phase in the general government fee.

Vice-Mayor Crowley asked Mr. Rayson about pending bills in Tallahassee that could affect impact fees. Mr. Rayson said that there had been an impact fee bill, but this had not passed, which Mr. Burton confirmed. A bill that required municipalities prove their impact fees had passed, and another bill requiring a 90-day waiting period prior to increasing impact fees had also passed.

Vice-Mayor Crowley said that he would support an 80% recovery fee with a three-year phase-in. Councilmember Starkey felt they were on the right track with phased-in fees up to 80%. She said that she would consider increasing to 100% after assessing the fee each year.

Mayor Paul suggested adding the general government fee in the second year. Councilmember Luis agreed. Councilmember Caletka felt Council should implement this fee immediately because this was real cost. Councilmember Starkey agreed.

Mr. Shimun clarified that staff would bring a plan to Council to implement all four fees at 100%, phased in over three years. Chief Montopoli said that they could bring a draft ordinance to Council's next meeting.

There being no further business to discuss and no objections, the meeting was adjourned at 6:30 p.m.

Approved \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk